IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

WEDNESDAY, THE 1ST NOVEMBER 2006 / 10TH KARTHIKA 1928

Bail Appl..No. 6457 of 2006()

CRIME NO.167/2006 OF THIRUVALLAM POLICE STATION.

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PETITIONER/ACCUSED

VIJAYALAKSHMI M.V., D/O.VASANTHA KUMARI
AMMA, V.V.BHAVAN, MANNARAKONAM, VATTIYOORKAVU PO.,
THIRUVANANTHAPURAM.

BY ADV. SRI.M.SREEKUMAR

RESPONDENTS:

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1. STATE OF KERALA, REPRESENTED BY
THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

2. SUB INSPECTOR OF POLICE,
THIRUVALLAM POLICE STATION.

BY PUBLIC PROSECUTOR SRI.JAI GEORGE.

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 01/11/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

J.M. JAMES, J.

Bail Application No. 6457 of 2006

Dated this the 1st November, 2006.

O R D E R

Petitioner was working as a Gramina Dack Sevak at Pachalloor Post Office, Thiruvananthapuram, during the period from 21.6.2003 to 3.3.2005. Now, she is working as Mail Packer at Kudappanakunnu Post Office. It is alleged by the prosecution that during the period of her work at Pachalloor post office, she committed criminal breach of trust of an amount totalling to Rs.2500/=. She has collected the amount from the subscribers to the postal savings account, and though the post office seal was affixed in the post office savings pass book, the amount was not credited to the postal account. Therefore, on the complaint of the Sub Post Master of Pachalloor Post Office, a complaint was given to Thiruvallam Police Station. Hence, Crime No.167/2006 of that police station had been registered initially under Sections 406 and 420 IPC, and under Section 52 of the Indian Post Office Act. However, Section 406 IPC is deleted and instead of that, Section 409 IPC is incorporated, as the amount is in excess of Rs.2000/=.

2. Counsel submits that there was a mistake in tallying of the account, while remitting the amount, and, there was no mens rea in committing the offence.

3. After hearing both sides, and considering the materials that are available on record, I dispose of the application, directing the petitioner to surrender before the Investigating Officer of Thiruvallam Police Station, who is investigating the Crime No.167/2006 of that police station, on 10.11.2006, between 9.30 and 10 a.m.

4. The investigating officer shall interrogate the petitioner, and in the event of arrest of the petitioner, she shall be released on bail, on she executing a bond for Rs.10,000/= with two solvent sureties, each for the like sum, to the satisfaction of the Investigating Officer arresting her.

5. Petitioner shall report before the Investigating Officer, as and when required, for the purpose of completion of the investigation.

J.M. JAMES,
JUDGE

nj.